

MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 24 AUGUST 2015 AT 6.54PM

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PRESENT

The Lord Mayor, Councillor S D Lloyd, in the Chair and Councillors J P Abood (retired 11.50pm), J Chedid, S H Chowdhury (retired 11.50pm), R Dwyer, G J Elmore, P Esber, J D Finn (retired 11.38pm), P J Garrard, J A Hugh, S T Issa (Deputy Lord Mayor – retired 11.03pm), B Makari (retired 11.52pm), J L Shaw, L E Wearne and A A Wilson (retired 11.38pm).

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor S D Lloyd acknowledged the Burrumattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

FOUNDATION ACKNOWLEDGEMENT

The Lord Mayor also acknowledged the colonial heritage of Parramatta and recognised the contribution of the early settlers in laying the foundations of this great and historic city.

MINUTES

SUBJECT Minutes of the Council (Development) Meeting held on 10 August 2015

15882 RESOLVED (Makari/Issa)

**That** the minutes be taken as read and be accepted as a true record of the Meeting.

DECLARATIONS OF INTEREST

Councillor J Chedid advised that he was not related to the applicant or owners for Item 7.2 regarding the development application submitted for 18 Louis Street, Granville.

PUBLIC FORUM

1 SUBJECT Tree Permit - 60 Midson Road, Eastwood  
REFERENCE TA/94/2015

FROM Dr Kitty Fok

15883

As submitted.

"I have petitioned to have a tree removed from my property at 60 Midson Rd Eastwood as it has caused and is currently causing my neighbours (62 Midson Rd) and tenants great distress and mental anguish and anxiety over the course of the last 10 or more years since my first application was lodged (as outlined in Business papers for this meeting dating back to 2001). My question to council - Is council ready to be held accountable and responsible for any damage to human life and/or damage to property that occurs as a result of this tree and its falling branches.

Historically the tree has already had multiple incidents of large branches falling, greater than 300 mm in diameter, the earliest on record was in 2001 and the most recent incident in Dec 2014 , which caused significant damage to my neighbours property up to the value of more than \$10000, crushing a childrens swing set and play equipment, outdoor furniture set and the patio area and rear roof. Fortunately no human life was injured as the occupants thankfully were away on holidays. Photographic evidence and a written description were submitted to council but I note they have not been included in the Business Papers...Why were they not included? As they showed the full extent of the damage and the size of the branch in question. Why would you not allow open access to view this evidence?

In 2008 it was pruned according to council recommendations made with regard to application TA/915/2007 which was lodged by my neighbour Mr Chen of 62 Midson Rd Eastwood – to "remove the lowest lateral bough overhanging and in conflict with the roof of 62 Marsden (sic - Midson) Rd Eastwood and removal of the crossing smaller limb above".

Mr Chen can verify that the pruning of the lowest overhanging bough over his property was carried out at that time, so the insinuation as documented and notated in the Business Papers for this meeting (page 323 paragraph 1 , page 329 and top of Page 350), that I did not prune the lowest overhanging bough, is incorrect. The branch that subsequently fell in Dec 2014 is not the same branch as approved for pruning in 2008 as insinuated by council and the two arborists who inspected the tree in 2015. Both arborists reports dated 5/6/2015 and 5/3/2015 indicated that evidence of prior pruning was noted.

Subsequently I take huge offence that the Executive Summary for Item 7.7 implies that the most recent incident was due to my negligence in not carrying out recommended pruning as stated in TA/915/2007, which for the record, was carried out as instructed. So the statement made on page 323 paragraph 1 is totally inaccurate and false and lays blame on myself when council should be held responsible.

This tree is a disaster waiting to happen, with the wild winds and storms that we have been experiencing more frequently over the last few years, I am gravely concerned that more serious damage to human life and

property is imminent and I refuse to be held responsible for that. As such, let it be noted that I will be taking legal action against the council in the event that this appeal is rejected and or dismissed. This matter has gone back and forth for too long and I am not prepared to wait until someone is maimed, or worse case, killed due to falling branches from this tree.

Thank you for your time and consideration.”

Response by Mark Leotta, Manager Development and Traffic Services:-

“Thank you Dr Fok for your submission.

The photographs presented in the submission were initially omitted from the Business Paper due to clerical error between Council sections and have now been distributed to the Council.

Dr Fok has questioned if Council is ready to be held accountable and responsible for any damage to human life and/or damage to property that occurs as a result of this tree and its falling branches.

The Council Officers have carried out an assessment based upon their visual tree inspection and the supporting documents in Dr Fok’s submission. Their opinions have been formed in good faith. Dr Fok maintains that there is a danger to life and property, unless the tree is removed. No substantive evidence has been provided to the Council from an appropriately qualified expert such as an AQF Level 5 Arborist, to support this opinion. If such an opinion was obtained in relation to the tree, it should have been sent in support of this application and this would have been a factor for the Council to take into account. Council’s legal advice to date has advised that the spectre of potential liability where raised by an applicant in respect of a tree that appears to be healthy, is not of itself a justification for tree removal. The decision in relation to this application as with all others should be evidence based. The matter of pruning the tree is addressed below.

Brief history of Tree Applications

TA/915/2007 requested pruning of the tree, and was approved to “remove the lowest lateral bough overhanging and in conflict with the roof of 62 Marsden (sic - Midson) Rd Eastwood and removal of the crossing smaller limb above”.

TA/201/2008 requested the removal of the tree and was refused.

TA/95/2015 is the most recent application and requested removal of the tree. It was refused and a Review of Determination sought (this application).

Application TA/915/2007 was determined to “remove the lowest lateral bough overhanging and in conflict with the roof of 62 Marsden (sic - Midson) Rd Eastwood and removal of the crossing smaller limb above”. Dr Fok advises that pruning of the lowest overhanging bough over the property was carried out at that time. The assessing officer has formed

the conclusion that the pruning of the lowest overhanging bough was not carried out; based on the Council's photos provided below where a comparison is made to the tree in 2008 with the lowest lateral bough in situ and the photos from 2015 where the lowest lateral branch has failed. Evidence of previous pruning exists on the tree but it appears that it was not the lowest lateral bough overhanging. The Council does not suggest that Dr Fok is incorrect, merely that there is a difference of opinion as to the work carried out.

We hope that this addresses the comments and concerns raised by Dr Fok."

**NOTE:**

**Councillor P J Garrard left the meeting at 6.56pm and returned at 6.59pm during consideration of this matter.**

2           SUBJECT       Development Application - 6 Tilley Street, Dundas Valley  
REFERENCE   DA/13/2015  
FROM         Laura Hudson

15884       " I am speaking on behalf of a group of residents from Tilley Street, Moffatts Drive and Manning Parade. With Simpson Street, Lord Ave & Osborn Ave we are a pocket community of Dundas Valley bounded by Evans Road and Ponds Creek Reserve. Some of us have lived in the same home for 45 years, I myself have only lived here for 5 years, when my family moved here a lot of my friends had never heard of Dundas Valley, but in a bid to describe our new home and community I said "It's lovely, its a bit like 'Loftus', big blocks, big trees and old houses that people are slowly making their own". The streets are narrow, there are no footpaths, people walk to Telopea shops on the road, a bit like a shared zone with vehicles going slow cause it's narrow - you wave, my 5 year old knows "That's Lindsay with letterbox no.12" He's a widower, we check the curtains are open when we walk to preschool.

Description of Community of Dundas Valley

" My family LOVE WHERE WE LIVE!!!, That's what Council has been working so hard for over the years, we have been to the LOVE WHERE YOU LIVE FAMILY FUN DAY @ Dundas Park, we have entered the LOVE WHERE YOU LIVE Garden competition yet Council seems so determined to change our area drastically. We understand there needs to be progress, we understand population density needs to increase, some of our group live in recently built homes, not the fibro cottages of the 50's - However The new DCP allows developments a maximum height of 11m in our area. This is uncharacteristic of our pocket community! The development that is before you tonight was originally proposed to be 10.7 meters height when both neighbouring properties, both developed in the last 5 years were only 7m and 8m in height. Under the original proposal this development would have stood out literally by 3

meters.

#### Comment on DCP in Dundas Valley

" Future development within Dundas Valley is welcome, but the buildings need to fit into the character of Dundas Valley, there needs to be space still for the large trees to grow, 2 storey height maximum to allow the trees to be taller than the buildings so when you're on the hill at Acacia Park you can look down into The VALLEY and you see a valley rather than housing development. I believe the DCP needs to be reviewed but until that time comes it's the councillors responsibility to be aware that not all developments are appropriate for their community even if they comply with the DCP.

#### Comment on proposed development in Tilley Street

" Efforts from the community in objecting to the inappropriateness of the first development proposal at 6 Tilley Street have resulted in significant changes by reducing the height of the dwellings that will mean that the development will so much better fit into our pocket community. However there is still more that can be done, the frontage of the building is proposed to be rendered WHITE, the frontage also faces west meaning that the afternoon light will reflect off the building and back into the public space, potentially causing traffic and pedestrian hazards. The colour of the frontage of the building needs to be amended and appropriate for the setting. And secondly if the front setback of one of the dwellings was reduced by 2 meters and the alfresco paving reduced by 2 meters then a 17 meter high *Angophora Costata* (A Sydney Red Gum) could be retained with a 4 meter protection zone, towering over the new development it would significantly soften the developments visual impact. This development proposes to remove NINE trees, retaining only 1, proposing to plant ONLY 3 new trees on site, only one of which is a species that will grow higher than the proposed height of 2 storeys. Each rear yard is over 100sq m, more than adequate for the planting of large trees.

I know of Council that require a 1 to 4 replacement rate, that would mean 36 new trees on this site (perhaps a little unreasonable but it then transfers to a 1 to 5 replacement rate on public land effectively supplying the Council with its entire public tree planting budget).

Call for Councillors to represent existing communities and future residents.

Councillors I implore you to represent not only the current community but also those residents who will buy these dwellings and live in our community for years and don't only represent the developers who is here for such a short time."

3            SUBJECT        Development Application - 18 Fallon Street, Rydalmere  
REFERENCE    DA/40/2015

FROM

15885

" Mayor and Councillors, my name is Rima Petrosian and I am the owner of 18 Fallon Street in Rydalmere.

I want to express my gratitude and relief to you for considering our application. I was present here 4 weeks ago when you asked the staff to undertake extra work in relation to the dual occupancy rules in Parramatta and similar policies adopted by surrounding Councils.

The minimum required lot sizes of some surrounding councils are:

- Ryde                    580 sqm
- Auburn                450 sqm
- Holroyd               500 sqm
- Blacktown            500 sqm (attached)    600sqm (detached)
- Hills                   600 sqm

Moreover, we exceed the average required lot sizes (526 sqm) of all the surrounding councils.

The circumstances of this application are unique and I appeal for your special consideration.

- Opposite my property are 6 dual occupancies that determine the character of my part of Fallon Street;
- The application will not set a precedent for other applications as the character of the street around my house is already established to be full of dual occupancies;
- My proposal is seeking only a 3% variation to lot size and complies fully with all other planning controls; and
- Approving my application will not change the character of Fallon Street;

Considering the surrounding councils' minimum lot sizes for dual occupancies and the established character of dual occupancies in my part of the street, I request that you please grant approval to our application tonight.

I would like to end with a statement that we are a very hard working family and we have been planning for years to one-day build our dream home which if approved will be a small but new one. We have put in extended effort and time for this project, and have great hope that you would all please support our application for this development. Please note, the city of Parramatta will always be our home and our current location is the ideal place for my family to continue to live.

Thank you for giving me this opportunity to talk."

4

SUBJECT            Development Application - 6 Tilley Street, Dundas Valley

REFERENCE DA/13/2015

FROM Ann Tang

15886

As submitted.

“Reference to the stormwater easement created at No: 47 Moffatts Drive.

Question is "whether easement will be published in the Public Council Notification like any other easements and later if no objections, be notated on the 3 land titles?"

Otherwise, in future, if No: 47 sold and the new owner are not honouring this, the owners of 6 or 6A Tilley have no right to go digging into No:47's backyard when problems arise in the future, as water will find its way down other properties i.e. (Moffatts Drive being the lower end), who is responsible when this occur???

This is foresight down the track.”

Response from Mark Leotta – Manager Development and Traffic Services:-

“The proposed consent is worded so that the applicant must have an easement registered on title prior to commencing the building work. This will ensure that the downstream lot is burdened and the lot at 6 Tilley Street is benefitted. It will give the occupant of 6 Tilley Street the legal right to install stormwater drainage over the downstream lot on Moffatt Street.”

### ECONOMY

7.1

SUBJECT Elizabeth Farm, 70 Alice Street, Rosehill  
{Lot D (Resubdivision of Lot B)}{Elizabeth Macarthur Ward}

DESCRIPTION Demolition of three existing sheds and construction of a new shed. The proposal is Nominated Integrated Development as approval is sought under the Heritage Act 1977.

REFERENCE DA/172/2015 - Submitted 24 March 2015

APPLICANT/S The Historical House Trust of NSW

OWNERS Historic Houses Trust of New South Wales

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination as it relates to works within a State Significant heritage listed site (Elizabeth Farm).

RESOLVED (Issa/Elmore)

15887 **That** Council as the consent authority grant development consent to Development Application No. DA/172/2015 for the demolition of three existing sheds and construction of a new shed on land at 70 Alice Street, Rosehill for a period of five (5) years from the date on the Notice of Determination subject to the conditions contained in Attachment 1.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: Nil

7.2 SUBJECT 18 Louis Street , Granville NSW 2142  
(Lot 31/32 DP 432052)  
( Ward: Woodville)

DESCRIPTION Demolition of existing structures and construction of a 4 storey shop top housing development containing 33 apartments, 1 retail premises on the ground floor with basement and at grade car parking for 61 car spaces.

REFERENCE DA/65/2015 - 12 February 2015

APPLICANT/S Mr S Chedid

OWNERS Mr S.C Chedid, Mr C Chedid, Mr R Chedid, Mr P Chedid and Mr A Chedid

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as the proposal seeks to vary the maximum permissible building height of the building by 44% due to flood affection and lift overrun height.

MOTION (Garrard/Elmore)

**That** the application be refused and Council not support the clause 4.6 variation.

AMENDMENT (Issa/Hugh)

15888 **That** consideration of this matter be deferred to enable consideration of an amended plan by the applicant.

The motion was withdrawn by Councillor Garrard.

The amendment became the motion and was put and



carried.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw and L E Wearne.

NOES: Nil

**NOTE:**

1. **Councillor A A Wilson left the meeting at 7.28pm during consideration of this matter.**
2. **Councillor J Chedid had previously advised that he is not related to the owner or applicant associated with this application.**

7.3 SUBJECT 44-46 Lydbrook Street, Westmead (Lot 18 and Lot19 in DP 12067) ( Arthur Phillip Ward)

DESCRIPTION Construction of a four storey residential flat building.

REFERENCE DA/856/2014 - Lodged 16 December 2014

APPLICANT/S Designcorp Architects P/L

OWNERS Mrs R Khattar

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The application is referred to Council for determination as it involves a Clause 4.6 variation to Clause 4.3 – Height of Buildings of the Parramatta Local Environmental Plan 2011 in excess of 10%.

RESOLVED (Esber/Makari)

15889

- (a) **That** Council supports the variation to Clause 4.3 and Clause 4.4 of Parramatta Local Environmental Plan 2011 under the provisions of clause 4.6.
- (b) **That** Council as the consent authority grant development consent to development Application No. DA/856/2014 for demolition and construction of a 4 storey residential flat building at 44 - 46 Lydbrook Street, Westmead, for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions contained in Attachment 1.
- (c) **Further, that** objectors be advised of Council's decision.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw and L E Wearne

NOES: G J Elmore

7.4 SUBJECT 6 Tilley Street, Dundas Valley  
(Lot 470 DP 36692) (Lachlan Macquarie Ward)

DESCRIPTION Demolition, tree removal and construction of a 2 storey attached dual occupancy development with Torrens title subdivision.

REFERENCE DA/13/2015 - 9 January 2015

APPLICANT/S W Teo

OWNERS W Teo and C Leong

REPORT OF Manager Development and Traffic Services. Also further submission from Ahsan Qureshi dated 24 August 2015.

REASON FOR REFERRAL TO COUNCIL  
The application is referred to Council for determination as the Development Application received 15 submissions during the first notification of the application which was for a 3 storey development.

RESOLVED (Wearne/Abood)

15890 **That** consideration of this matter be deferred for one month to investigate the possibility of the proposed building being altered to enable retention of one of the red gum trees and to also address the colour of the building.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw and L E Wearne

NOES: Nil

7.5 SUBJECT 160 Alfred Street, 220 George Street and 21 Noller Parade, Parramatta 2150  
(Lots 18 & 19 DP35895) (Elizabeth Macarthur Ward)

DESCRIPTION Demolition of a heritage listed outbuilding (laundries)

REFERENCE DA/245/2015 - 1 May 2015  
APPLICANT/S NSW Land and Housing Corporation  
OWNERS NSW Land and Housing Corporation  
REPORT OF Manager Development and Traffic Services  
REASON FOR REFERRAL TO COUNCIL

This development application is referred to Council for consideration as the application relates to the demolition of a heritage listed item.

RESOLVED (Makari/Elmore)

15891

**That** Council as the consent authority grant development **consent** to Development Application No. DA/245/2015 for the demolition of a heritage listed outbuilding (laundry) on land at 160 Alfred Street, 220 George Street and 21 Noller Parade, Parramatta for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained in Attachment 1.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari and L E Wearne

NOES: J L Shaw

7.6

SUBJECT 18 Fallon Street Rydalmere (Lot 63 DP 36565)  
(Elizabeth Macarthur Ward)

DESCRIPTION Section 82A review of determination for tree removal and construction of an attached two storey dual occupancy.

REFERENCE DA/40/2015 - 22 May 2015  
APPLICANT/S Sekisui House Services (NSW) Pty Ltd  
OWNERS J Petrosian and R Petrosian  
REPORT OF Manager Development and Traffic Services  
REASON FOR REFERRAL TO COUNCIL

The application is referred to Council as it involves a Review of Determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979. The review of the original determination relates to the refusal of the Development Application that was made under delegated authority.

MOTION (Esber/Finn)

**That** the application be approved and the relevant officer frame appropriate conditions for approval of the application.

AMENDMENT (Wearne/Hugh)

15892 **That** consideration of this matter be deferred pending the holding of the proposed workshop dealing with dual occupancy lot sizes.

The amendment was put and carried and on being put as the motion was again carried.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: P Esber and J D Finn

**NOTE:**

**Councillor A A Wilson returned to the meeting at 7.40pm during consideration of this matter.**

7.7 SUBJECT 60 Midson Road, Eastwood (Lot 7 DP 22813) (Lachlan Macquarie Ward)

DESCRIPTION Tree Permit

REFERENCE TA/94/2015 - 13 March 2015

APPLICANT/S Kitty Fok

OWNERS Kitty Fok

REPORT OF Manager Development and Traffic Services

REASON FOR REFERRAL TO COUNCIL

The landowner has requested a S82A review of the delegated determination for refusal of the Tree Permit TA/94/2015.

RESOLVED (Abood/Issa)

15893 **That** Council as the consent authority approve the S82A Review for the removal of one (1) Eucalyptus saligna – (Sydney Blue Gum) tree located within the rear of the property at 60 Midson Road, Eastwood.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R

Dwyer, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari and J L Shaw

NOES: Councillors G J Elmore, L E Wearne and A A Wilson

7.8 SUBJECT 18 Austin Crescent Constitution Hill (Lot 23 DP 203373)  
(Arthur Phillip Ward)

DESCRIPTION Demolition, tree removal and construction of an attached  
2 storey dual occupancy with Torrens title subdivision

REFERENCE DA/391/2015 - 30 June 2015

APPLICANT/S Mr B S Kainth

OWNERS Mr B S Kainth, Mrs A K Kainth, A P Singh

REPORT OF Manager Development and Traffic Services. Also late  
submission by Ms K K Edwards dated 21 August 2015.

REASON FOR REFERRAL TO COUNCIL  
This report is referred at the request of Councillors.

MOTION (Finn/Wearne)

**That** consideration of this matter be deferred to enable redesign of the proposal to address shortcomings and other matters raised in the report such as minimum setbacks, deep soil zone, landscape, private open space and front setback.

AMENDMENT (Hugh/Abood)

15894 **That** consideration of this matter be deferred pending the holding of the proposed workshop dealing with dual occupancy lot sizes.

The amendment was put and carried and on being put as motion was again carried.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: Nil

**NOTE:**

**Councillor S Issa left the meeting at 7.53pm and returned at 7.55pm during consideration of this matter.**

7.9 SUBJECT Planning Controls for Dual Occupancy Development  
REFERENCE F2015/02002 - D03804490  
REPORT OF Project Officer, Land Use Planning  
RESOLVED (Abood/Elmore)

15895 **That** further consideration of the appropriate controls for dual occupancy development be deferred to allow a Workshop to be held to consider, in detail, the options available to Council in relation to minimum lot size controls for dual occupancy development and any prohibition of dual occupancy development in cul de sacs.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson

NOES: Nil

7.10 SUBJECT Voluntary Planning Agreement Offer: 2-8 River Road West, Parramatta  
REFERENCE RZ/6/2010 - D03789871  
REPORT OF Project Officer, Land Use Planning  
RESOLVED (Issa/Chedid)

- 15896 (a) **That** Council endorse the draft VPA offer dated 22 July 2015 provided at Attachment 1.
- (b) **That** delegated authority be granted to the CEO to prepare a draft VPA consistent with the VPA offer of 22 July 2015 for public exhibition purposes.
- (c) **That** the draft VPA be publicly exhibited for 28 days.
- (d) **Further, that** the outcomes of the public exhibition be detailed in a further report to Council.

DIVISION The result being:-

AYES: Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, S T Issa, S D Lloyd, B Makari, J L Shaw and A A Wilson

NOES: Councillor L E Wearne

**NOTE:**

**Councillor J Hugh left the meeting at 8.07pm during consideration of this matter.**

7.11       SUBJECT       Boarding Houses in the Parramatta LGA  
REFERENCE   F2013/01667 - D03794017  
REPORT OF   Snr Project Officer  
MOTION       (Wearne/Wilson)

- 15897       (a)       **That** Council write to the Department of Planning and Environment seeking an amendment to the *State Environmental Planning Policy (Affordable Rental Housing) 2009* as follows:
1. Boarding houses not to be located within 100 metres of each other and to be restricted in the R2 zone to “accessible areas” only, which are areas:
    - i. within 800m of a train station on the Western or Cumberland rail lines; or
    - ii. within 400m of a light rail or bus stop with at least 8 services (1 every 15 minutes) between 7am – 9am and 4.30pm – 6pm (Monday to Friday).
  2. Restrict the size of *boarding houses* in the R2 zone (as per a. above) as follows:
    - i. Sites smaller than 600sqm – a maximum of four (4) occupants (2 bedroom *boarding houses*); or
    - ii. Sites greater than 600sqm – a maximum of eight (8) occupants (4 bedroom *boarding houses*).
  3. Require parking rates for all *boarding houses* at 0.5 car spaces per room.
- (b)       **That** Council make representations to its State Members of Parliament seeking support for Council’s decision.
- (c)       **Further, that** Council seek a deputation to the Minister for Planning to raise Council’s concerns on this issue.

AMENDMENT (Garrard/Chedid)

- (a)       **That** Council seek:-
1. An exemption from the boarding house provisions of the ARHSEPP;
  2. Amendments to Parramatta LEP 2011 and Parramatta City

Centre LEP 2007 involving:

- i. the prohibition of boarding houses in the R2 and R3 zones; and
  - ii. the introduction of a provision that would stipulate where boarding houses would be permitted within the R1, R4, B1, B2 and B4.
3. The refining of existing local land use controls for boarding houses in Parramatta DCP 2011.
- (b) **That** Council make representations to its State Members of Parliament seeking support for Council's decision.
- (c) **Further, that** Council seek a deputation to the Minister for Planning to raise Council's concerns on this issue.

The amendment was put and lost.

The motion was put and carried.

DIVISION The result being:-

AYES: Councillors R Dwyer, P Esber, J D Finn, S T Issa, S D Lloyd, J L Shaw, L E Wearne and A A Wilson

NOES: Councillors J P Abood, J Chedid, S H Chowdhury, G J Elmore, P J Garrard, J A Hugh and B Makari

**NOTE:**

1. **Councillor P Esber left the meeting at 8.18pm and returned at 8.23pm and again left at 8.39pm and returned at 8.42pm during consideration of this matter.**
2. **Councillor J Hugh returned to the meeting at 8.23pm during consideration of this matter.**
3. **Councillor G Elmore left the meeting at 8.24pm and returned at 8.25pm during consideration of this matter.**
4. **Councillor B Makari left the meeting at 8.35pm and returned at 8.49pm during consideration of this matter.**
5. **Councillor J P Abood left the meeting at 8.46pm and returned at 8.48pm during consideration of this matter.**

ADJOURNMENT OF MEETING

In accordance with Council's decision of 23 October 2000 (Minute No 5712) the meeting adjourned at 9.06pm for a period of 25 minutes.

RESUMPTION OF MEETING



The meeting resumed in the Council Chamber at 9.23pm, there being in attendance The Lord Mayor, Councillor S D Lloyd in the Chair and Councillors J P Abood, J Chedid, S H Chowdhury, R Dwyer, G J Elmore, P Esber, J D Finn, P J Garrard, J A Hugh, S T Issa (Deputy Lord Mayor), B Makari, J L Shaw, L E Wearne and A A Wilson.

### SUSPENSION OF STANDING ORDERS

15898 RESOLVED (Garrard/Chedid)

**That** Standing Orders be suspended to enable consideration of an urgent motion pertaining to the outstanding performance by Kristy Pond in the recent swimming world championships held in Nottingham.

The Lord Mayor ruled that the matter was one of urgency.

SUBJECT Congratulations to Kristy Pond

REFERENCE F2004/10253

FROM Councillor Paul Garrard

RESOLVED (Garrard/Chedid)

15899 (a) **That** Parramatta City Council congratulate Ms Kristy Pond for her performance at the Nottingham 2015 CPISRA World Games held on 14 and 15 August 2015, where Ms Pond was successful in winning 3 medals (2 gold and 1 silver).

(b) **Further, that** Ms Kristy Pond be honoured at a future Council Meeting in a suitable manner.

#### **NOTE:**

**Councillor P Esber left the meeting at 9.25pm and returned at 9.26pm during consideration of this matter.**

### RESUMPTION OF STANDING ORDERS

15900 RESOLVED (Wilson/ Wearne)

**That** standing orders be resumed.

7.12 SUBJECT Land Owners Consent for an Electrical Cable Easement at 182 Church Street, Parramatta

REFERENCE F2015/00178 - D03804977

REPORT OF Development Manager Assistant

RESOLVED (Wilson/Makari)

- 15901 (a) **That** the Chief Executive Officer be authorised to grant land owners consent for an electrical cable easement in favour of Endeavour Energy at 182 Church Street, Parramatta (north of the Parramatta Town Hall)
- (b) **Further, that** the CEO provide a report on the progress of negotiations in relation to footpath remediation in the CBD.

7.13 SUBJECT Parramatta Square Public Space Draft Concept Design - Request for Public Exhibition

REFERENCE F2014/03370 - D03809211

REPORT OF Manager Urban Design. Also Manager Urban Design Memorandum dated 20 August 2015.

RESOLVED (Issa/Makari)

- 15902 (a) **That** Council note the report on Parramatta Square Concept Design Request for Public Exhibition report.
- (b) **Further, that** a revised report on the Concept Design be put to Council at a later meeting.

#### CONNECTIVITY

8.1 SUBJECT Minutes of the Parramatta Traffic Committee meeting held on 6 August 2015

REFERENCE F2015/00098 - D03806685

REPORT OF Traffic & Transport Support Officer. Traffic and Transport

RESOLVED (Esber/Elmore)

15903 **That** the minutes of the Parramatta Traffic Committee meeting held on 6 August 2015 be adopted.

8.2 SUBJECT Minutes of the Traffic Engineering Advisory Group meeting held on 6 August 2015

REFERENCE F2015/00097 - D03806814

REPORT OF Traffic & Transport Support Officer. Traffic and Transport

RESOLVED (Makari/Esber)

15904 **That** the minutes of the Traffic Engineering Advisory Group meeting held on the 6 August 2015 be adopted.

### PEOPLE AND NEIGHBOURHOODS

9.1 SUBJECT Public toilet location Harris Park  
REFERENCE F2013/02905 - D03805391  
REPORT OF Place Manager  
RESOLVED (Shaw/Makari)

- 15905 (a) **That** the proposed Harris Park toilet be relocated to Rosella Park and include additional car parking and other facilities as per Attachment 1.
- (b) **Further, that** the Development Application 368/2014 for 56A Wigram Street Harris Park be withdrawn.

9.2 SUBJECT Authority to negotiate with the owner/s of 153 George Street, Parramatta in relation to Council acquiring land for open space in Robin Thomas Reserve  
REFERENCE F2012/02948 - D03762004  
REPORT OF Service Manager Open Space and Natural Resources  
RESOLVED (Esber/Elmore)

15906 **That** Council authorise Council officers to enter into discussions with the owner to acquire part of 153 George Street in Parramatta (Lot 1 DP 182726) for local open space as required to implement the Robin Thomas and James Ruse Reserves Masterplan.

9.3 SUBJECT Naming of Ponds / Subiaco Creek Reserves  
REFERENCE F2015/00747 - D03804410  
REPORT OF Open Space & Natural Area Planner  
RESOLVED (Esber/Wearne)

- 15907 (a) **That** the bushland reserve between Kissing Point Road and Bennetts Road West in Dundas be endorsed in principle to be named John Haines Reserve.
- (b) **That** the bushland reserve between Park Road, Kirby Street and Bennetts Road West in Rydalmere be endorsed in principle to be

named Marri Badoo Reserve.

- (c) **That** the names John Haines Reserve and Marri Badoo Reserve be referred to the Geographical Names Board of NSW for formal assignment under the *Geographical Names Act 1966*.
- (d) **That** if approval is granted by the Geographical Names Board, appropriate interpretive name signage be erected at park entrances funded under the Walking Track Construction Project.
- (e) **Further, that** the Parramatta & District Historical Society, Council's Darug Reference Panel and others who provided submissions during the notification period be thanked and advised of Council's decision.

9.4        SUBJECT        Access Advisory Committee Meeting Minutes 16 June 2015  
REFERENCE    F2005/01944 - D03760645  
REPORT OF    Community Capacity Building Officer, Community Capacity Building  
RESOLVED    (Makari/Chowdhury)

15908      **That** the minutes of the Access Advisory Committee meeting held on 16 June 2015 (Attachment 1) be received and noted.

#### CULTURE AND SPORT

10.1        SUBJECT        Western Sydney Wanderers Economic Development Program  
REFERENCE    F2013/02599 - D03793162  
REPORT OF    Strategic Partnerships Coordinator; Manager Marketing & Development  
MOTION        (Abood/Hugh)

**That** from the investment options listed in this report, Council selects Option 5 (a) to invest in a Corporate Hospitality package at Pirtek Stadium to the value of \$50,000 for the Western Sydney Wanderers home games during the 2015/16 A-League season.

AMENDMENT (Esber/Elmore)

- (a) **That** Option 4 'Parramatta Sport and Tourism Forum' be considered as an opportunity for inclusion in the 2015/16 'Parramatta We're Building Australia's Next Great City' campaign

- (b) **Further, that** Council explore options for Western Sydney Wanderers members be offered \$5.00 flat rate parking on game day at Eat Street (Erby Street) and Justice Precinct (Hunter Street) car parks, using appropriate booking technology, for the 2015/16 season.

FORESHADOWED AMENDMENT (Issa/Shaw)

15909 **That** Council undertake a combination of options 1 and 4 as contained in the report.

The amendment was withdrawn by Councillors Esber and Elmore and the foreshadowed amendment became the amendment.

The amendment was put and carried and on being put as the motion was again carried.

LEADERSHIP AND GOVERNANCE

11.1 SUBJECT Quarterly Report on Corporate Plan and Quarterly Budget Review Statement  
REFERENCE F2014/02602 - D03800300  
REPORT OF Manager Finance; Manager Governance & Risk. Also Manager Governance and Risk Memorandum dated 20 August 2015.  
RESOLVED (Esber/Makari)

- 15910 (a) **That** Council adopts the June 2015 Quarterly Review of the 2013 - 2017 Corporate Plan including Manager Governance and Risk Memorandum dated 20 August 2015..
- (b) **Further, that** Council adopts the June 2015 Quarterly Budget Review Statement and the Responsible Accounting Officer's report on the financial position of the Council.

11.2 SUBJECT Investments Report for July 2015  
REFERENCE F2009/00971 - D03810000  
REPORT OF Manager Finance  
RESOLVED (Esber/Shaw)

15911 **That** Council receives and notes the investments report for July 2015.

**NOTE:**

**Councillor R Dwyer left the meeting at 10.01pm during**

**consideration of this matter.**

11.3      SUBJECT      2nd Annual Holistic Community Safety Summit 2015 -  
                                 Sydney - 29th September - 1st October 2015  
                 REFERENCE    F2015/00248 - D03808828  
                 REPORT OF      Manager LM and Councillor Support  
                 RESOLVED      (Esber/Shaw)

15912      **That** interested Councillors advise the Office of the Lord Mayor of their desire to attend the 2<sup>nd</sup> Annual Holistic Community Safety Summit being held in Sydney from 29<sup>th</sup> September – 1<sup>st</sup> October 2015.

NOTICES OF MOTION

12.1      SUBJECT      Parramatta Square Development  
                 REFERENCE    F2015/00178 - D03801748  
                 REPORT OF      Councillor J Chedid  
                 PROCEDURAL  
                 MOTION          (Wearne/Dwyer)

**That** (a) to (e) of Councillor Chedid's proposed notice of motion pertaining to this issue be considered in Closed Session as per the advice provided by the CEO via email dated 24 August 2015.

PROCEDURAL  
AMENDMENT (Chedid/Garrard)

- (a) **That** Council consider a revised part (a) of the proposed notice of motion regarding the Parramatta Square Development, as listed on tonight's agenda, in Open Council.
- (b) **Further, that** the remainder of the proposed notice of motion pertaining to this issue (ie b, c, d and e) be considered in Closed Session.

The procedural amendment was put and carried and on being put as the procedural motion was again carried.

RESOLVED      (Chedid/Garrard)

15913      **That** Council develop a strategy on Parramatta Square.

**NOTE:**

1. **Councillor R Dwyer returned to the meeting at 10.02pm during consideration of this matter.**
2. **Councillor J P Abood left the meeting at 10.44pm and returned at 10.45pm during consideration of this matter.**

### CLOSED SESSION

15914      RESOLVED      (Esber/Shaw)

Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

SOSO Councillor Access to Council Premises at 126 Church Street, Parramatta – *This matter is confidential in accordance with section 10A (2) (f) of the Local Government Act 1993 as it is a matter affecting the security of the council, councillors, council staff or council property.*

12.1 Parramatta Square Development (part of matter deferred from Open Council) - *This matter is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

1 Sydney Festival 2016. (D03799601) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

2 Tender 19/2015 Enid Avenue, Granville: Parking Modifications and Associated Works. (D03700466) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

3 Tender 32/2014 Escarpment Boardwalk Construction. . (D03611900) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

- 4 Tender No. 33/2015 Wigram Street, Harris Park, Between Marion & Parkes Streets – Streetscape Upgrade Works - Stage 3. (D03798269) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 5 Suite 9, 70 Macquarie Street Parramatta - Review of use and proposed occupation of Council's property in accordance with the Property Lease and Licence Policy and Procedure. (D03712133) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 6 Sydney Water Land - Investigation on the potential purchase of land at Kissing Point Road, Ermington and Caloola Road, Constitution Hill. . (D03792533) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 7 Lake Parramatta Kiosk and Cottage - Licence Options. (D03793257) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 8 PS1 - EOI 24/2015 - Retail 6 Lease. (D03809993) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 9 ITT 37/2015 - Parramatta Square Stage 3 (PS3) - Archaeological Excavation & Salvage Early Works. (D03799329) - *This report is confidential in accordance with section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*
- 10 Legal Matter – 65 Marion Street, Harris Park (F2015/02383) - *This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged*



*from production in legal proceedings on the ground of legal professional privilege.*

- 11 Legal Matter – 157 – 161 William Street, Granville. *This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

#### EXTENSION OF MEETING

15915 RESOLVED (Esber/Elmore)

**That** the time nearing 11.00pm, Council extend the meeting until 12 midnight to enable consideration of the remaining items on Council's agenda.

#### SUSPENSION OF STANDING ORDERS

15916 RESOLVED (Esber/Garrard)

**That** Standing Orders be suspended to enable consideration of an urgent motion pertaining to Councillor access to Council's premises at 126 Church Street, Parramatta.

SUBJECT Councillor Access to Council Premises at 126 Church Street, Parramatta

REFERENCE F2005/02565

FROM Councillor Paul Garrard

MOTION (Garrard/Esber)

15917 **That** Council adopt, as policy, that Councillors have access to the Council Building at 126 Church Street, Parramatta and Councillors be issued with swipe cards to enable access to areas for predetermined meetings with Level 1, 2 and 3 Managers.

AMENDMENT (Chowdhury/Elmore)

**That** Councillors be permitted access to the foyer area for all levels (leased by Council) at the Council Building at 126 Church Street, Parramatta.

The amendment was put and lost.

The motion was put and carried.

#### **NOTE:**

1. **Councillor S Issa retired from the meeting at 11.03pm**

following consideration of this matter.

2. Councillor L E Wearne requested that her name be recorded as having voted against this decision.

RESUMPTION OF STANDING ORDERS

15918 RESOLVED (Wearne/Chowdhury)

**That** Standing Orders be resumed.

ITEM 12.1 (PART) OF NOTICES OF MOTION REFERRED TO CLOSED SESSION

12.1 SUBJECT Parramatta Square Development  
REFERENCE F2015/00178  
FROM Councillor John Chedid  
RESOLVED (Chedid/Abood)

- 15919
- (a) **That** the construction of the PCC front of house, back of house and library be built in Parramatta Square. That the Back of house include excess commercial office space to cater for future purposes and or to be leased out by PCC to Potential Commercial Tenants.
  - (b) **Further, that** the following 2 motions be referred to a workshop for discussion:-
    1. *That the construction of Front & Back of House and the Library be financed by the proceeds of the sale of Bartlett Park, Sale of our Non-Strategic assets and general revenue costing.*
    2. *That a quantity surveyor be engaged to ascertain the costing of Front & Back of house and the Library before construction commences. That a portion of the revenue of the sale of Bartlett Park be distributed to each ward, , Arthur Phillip, Elizabeth Macarthur, Woodville and Caroline Chisholm Ward, Lachlan Macquarie Ward.*

**NOTE:**

**Councillors J D Finn and A A Wilson retired from the meeting at 11.38pm following consideration of this matter.**

13.1 SUBJECT Sydney Festival 2016  
REFERENCE F2015/01712 - D03799601  
REPORT OF Manager-City Activation  
RESOLVED (Esber/Chowdhury)

15920 **That** Council adopt the recommendations in paragraph 16 of the report.

13.2 SUBJECT Tender 19/2015 Enid Avenue, Granville: Parking Modifications and Associated Works

REFERENCE F2015/01098 - D03700466

REPORT OF Project Manager

RESOLVED (Elmore/Shaw)

15921 (a) **That** all tenders be rejected on the basis that the scope of works will need to change significantly subject to potential upgrade works within the Granville Swimming Centre.

(b) **Further, that** all unsuccessful tenderers be advised of Council's decision in this matter

13.3 SUBJECT Tender 32/2014 Escarpment Boardwalk Construction.

REFERENCE F2014/02683 - D03611900

REPORT OF Project Manager

RESOLVED (Chedid/Dwyer)

15922 (a) **That** all tenders be rejected.

(b) **That** Council's Chief Executive Officer or his representatives be given authority to negotiate with Abergeldie Contractors Pty Ltd with the intention of entering into a contract if full funding is secured for the Escarpment Boardwalk Project.

(c) **That** the outcomes of the negotiations be reported back to Council for resolution, prior to entering into a formal contract with Abergeldie Contractors Pty Ltd.

(d) **That** all tenderers be advised of Council's decision in this matter.

(e) **Further, that** Council launch its plan for the Escarpment Boardwalk Construction in 6 months.

13.4 SUBJECT Tender No. 33/2015 Wigram Street, Harris Park, Between Marion & Parkes Streets – Streetscape Upgrade Works - Stage 3

REFERENCE F2015/01788 - D03798269

REPORT OF Project Manager

RESOLVED (Dwyer/Esber)

- 15923
- (a) **That** the tender submitted by Glascott Landscape & Civil Pty Ltd for the upgrade of kerb & gutter, footpath and associated works at Wigram Street, Harris Park, between Marion and Parkes Streets – Streetscape Upgrade Works Stage 3, Section A and Section B Combined for the sum of \$898,363.57 (excluding GST) be accepted.
  - (b) **That** all unsuccessful tenderers be advised of Council’s decision in this matter.
  - (c) **Further, that** the Lord Mayor and Chief Executive Officer be given delegated authority to execute and affix the Common Seal of Council to the necessary documents.

13.5 SUBJECT Suite 9, 70 Macquarie Street Parramatta - Review of use and proposed occupation of Council's property in accordance with the Property Lease and Licence Policy and Procedure

REFERENCE F2012/01067 - D03712133

REPORT OF Space Management Officer

RESOLVED (Esber/Makari)

- 15924
- (a) **That** Council lease Suite 9, 70 Macquarie Street Parramatta as per Option 2 outlined in paragraph 11 of this report.
  - (b) **Further, that** Council authorises the Chief Executive Officer to prepare, negotiate and finalise lease and associated documents that formally records the legally binding arrangement to lease the Premises.

13.6 SUBJECT Sydney Water Land - Investigation on the potential purchase of land at Kissing Point Road, Ermington and Caloola Road, Constitution Hill.

REFERENCE F2010/01740 - D03792533

REPORT OF Service Manager Property Plan & Program

RESOLVED (Shaw/Chowdhury)

- 15925
- (a) **That** Council note the response received from Sydney Water dated 22 June 2015.
  - (b) **That** due to the market values attributed to each site, Council not

proceed with the further action to purchase the sites from Sydney Water.

- (c) **That** Council continue to advocate to Sydney Water, and the NSW Heritage Council that the social and cultural heritage significance be preserved at the Caloola Road Reserve, Constitution Hill site as part of any future land sale and development.
- (d) **That**, Council advocate to Sydney Water for the relocation of Scouts NSW from the site at the corner of Bartlett Street and Kissing Point Road, Ermington as part of any future land sale and that Council also consider relocation options as part of the review of Council's properties currently occupied by Scout NSW.
- (e) **Further, that** Council write to the Chief Executive Officer of Sydney Water and the relevant Minister expressing disappointment in Sydney Water's decision. A copy of Council's letter be made public.

13.7      SUBJECT      Lake Parramatta Kiosk and Cottage - Licence Options  
REFERENCE    F2004/09426 - D03793257  
REPORT OF    Space Management Officer  
RESOLVED    (Abood/Chedid)

15926      **That** consideration of this matter be deferred to the Council Meeting to be held on 28 September 2015.

**NOTE:**

**Councillor J P Abood and S Chowdhury retired from the meeting at 11.50pm following consideration of this matter.**

13.8      SUBJECT      PS1 - EOI 24/2015 - Retail 6 Lease  
REFERENCE    F2015/00073 - D03809993  
REPORT OF    Senior Development Manager  
RESOLVED    (Dwyer/Wearne)

15927      **That** Council adopt the recommendations in paragraph 22 of the report.

13.9      SUBJECT      ITT 37/2015 - Parramatta Square Stage 3 (PS3) -  
Archaeological Excavation & Salvage Early Works

REFERENCE F2015/00178 - D03799329  
REPORT OF Asst Development Manager. Also Supplementary Report by Assistant Development Manager.  
RESOLVED (Dwyer/Esber)

- 15928
- (a) **That** Council resolve to reject all tenders.
  - (b) **That** Council grant delegated authority to the Lord Mayor and Chief Executive Officer to finalise the terms of the tender with one of the nominated proponents in paragraph 10.
  - (c) **That** Council grant delegated authority to the Lord Mayor and Chief Executive Officer to execute contracts and necessary documentation.
  - (d) **Further, that** Council resolve, in accordance with s55(3)(i) of the *Local Government Act 1993 (NSW)* that due to specific conditions in the section 140 excavation permit, section 144 variation excavation permit and AHIP, that the Excavation Directors noted in paragraph 14 are procured without the requirement to tender.

13.10 SUBJECT Legal Matter - 65 Marion Street, Harris Park  
REFERENCE F2015/02383  
FROM Director Strategic Outcomes and Development  
RESOLVED (Shaw/Chedid)

15929 **That** consideration of this matter be deferred for 2 weeks.

**NOTE:**

**Councillor B Makari retired from the meeting at 11.52pm.**

EXTENSION OF MEETING

15930 RESOLVED (Esber/Shaw)

**That** the time nearing 12 midnight, Council extend the meeting for 15 minutes to enable consideration of the remaining item on Council's agenda.

13.11 SUBJECT Legal Matter - 157 - 161 - William Street, Granville  
REFERENCE F2015/00774  
FROM Director Strategic Outcomes and Development  
RESOLVED (Shaw/Elmore)

15931 **That** Council seek a further planning expert that may support Council's view on the issue with a particular focus on the clause 4.6 variation application being inadequate.

**NOTE:**

**Councillor R Dwyer retired from the meeting at 12.02am during consideration of this matter.**

The meeting terminated at 12.11am on Tuesday 25 August 2015.

THIS PAGE AND THE PRECEDING 29 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 24 AUGUST 2015 AND CONFIRMED ON MONDAY, 14 SEPTEMBER 2015.

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Lord Mayor